THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13669 of 2003

21.7.2006

Between:

Singadasari Jangaiah, S/o.Rukkaiah
And others

… Petitioners

AND

The Secretary, Government of Andhra Pradesh,
Revenue Department, Secretariat, Hyderabad
And another

… Respondents

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WRIT PETITION No.13669 of 2003

ORDER:

The five petitioners filed the instant writ petition seeking a writ of Mandamus directing the respondents, namely, Government of Andhra Pradesh, District Collector, Ranga Reddy District, Mandal Revenue Officer, Serilingampalli Mandal, to issue pattas in respect of land admeasuring Acs.1.00 each to the petitioners comprised in survey No.149 of Nanakramguda Village of Serilingampalli Mandal in Ranga Reddy District.

It is the case of the petitioners that their predecessors, and after death of their predecessors, the petitioners have been in possession of the land in survey No.149 for over a period of a century and cultivating the land to eke out their living. The petitioners allegedly belong to Scheduled Caste. They also alleged that they dug bore wells, obtained electricity connection and irrigating the land. The third respondent allegedly threatened to dispossess the petitioners. Therefore, the petitioners approached the respondents with a request either to assign the land or alienate the land for market value. Alleging that the representations of the petitioners remained undisposed of, the present writ petition is filed.

This Court while admitting the writ petition passed interim orders of *status quo*. The respondents then came forward with an application being W.V.M.P.No.2974 of 2005 for vacating the interim orders. In support of said application, the Mandal Revenue Officer (MRO), Serilingampalli Mandal, has filed counter affidavit. It is alleged that the petitioners are illegal encroachers. The land admeasuring Acs.82.09 guntas in survey No.149 of Nanakramguda Village being one block of

land, cannot be assigned to any person, as per the orders of Government in G.O.Ms.No.1409, dated 19.8.1978. It is also averred that the MRO has considered the representations of the petitioners dated 31.1.2002 and 01.2.2003 and rejected their request for assignment/alienation of the land vide memo No.B/344/2003, dated 10.6.2005. The right of the petitioners to claim assignment/alienation is denied.

The petitioners have filed a reply affidavit. The receipt of memo dated 10.6.2005 rejecting the claim of the petitioners for assignment/ alienation is denied. A further allegation is made that they are still in possession of the land and that they cannot be dispossessed without due process of law.

After hearing the learned Counsel for the petitioners, learned Assistant Government Pleader for Revenue (General) and perusing the file produced before this Court, this Court is convinced that the request of the petitioners for assignment of the land has been rejected. Further, a perusal of the G.O.Ms.No.1409, dated 19.8.1978 would show that Government of Andhra Pradesh imposed a ban for assignment/alienation of all blocks of Government lands exceeding Acs.15.00 whether in a single survey number or more and that Government also prohibited the assignment of lands which are required by Hyderabad Urban Development Authority. Therefore, there cannot be any illegality in MRO rejecting the request of the petitioners especially when the petitioners have not challenged the orders of the Government in G.O.Ms.No.1409, dated 19.8.1978. However, the petitioners' possession has not specifically denied by the MRO. In such a case, the MRO has to take necessary steps in accordance with law to resume possession from the petitioners.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO,J**)

June 21, 2006.

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